

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE COMPANY'S)	
PETITION FOR THE COMMISSION TO REVIEW)	
A DECISION OF THE POOLING)	CASE NO.
ADMINISTRATOR RELATIVE TO A REQUEST)	2005-00002
FOR NUMBERING RESOURCES IN THE 859)	
AREA CODE)	

O R D E R

On January 10, 2005, Cincinnati Bell Telephone Company ("CBT") filed a petition requesting that this Commission review and overturn a determination by the North American Numbering Plan Administration ("NANPA").¹ The petition was filed pursuant to 47 C.F.R. Section 52.15(g)(4) wherein the Commission is granted the authority to "overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies."

CBT explains that the St. Elizabeth Medical Center, a customer of CBT, requested 10,000 sequential numbers for use in a new PBX system that it is installing in the Covington rate center within the 859 area code in Covington, Kentucky.² CBT notes that the customer needs an NXX that ends in 3, 7, or 1 in order to prevent interference

¹ The NANPA is an independent non-governmental entity selected by the Federal Communications Commission ("FCC") to be responsible for administering and managing the North American Numbering Plan ("NANP"). Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

² See CBT's Petition for Review.

with numbers already in use in its current system. CBT lacks sufficient numbering resources within the Covington rate center to meet the customer's request. Hence, on January 6, 2005, CBT electronically submitted to the NANPA an application requesting assignment of a new central office code (NXX) in the Covington rate center in order to address the business needs of the St. Elizabeth Medical Center. The application process with the NANPA requires the submission of information used for a Months-To-Exhaust ("MTE") and Utilization Certification Worksheet ("Worksheet") pertaining to the affected rate center.³ Based on the submitted information and resulting calculations, the NANPA concluded that CBT did not meet the FCC's required guideline for MTE of 6 months or less⁴ and denied CBT's request for additional numbering resources.

The NANPA is not a policy-making entity. In making assignment decisions, the NANPA follows regulatory directives and industry-developed guidelines. The NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁵

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the determination of the NANPA if the requesting carrier has demonstrated a verifiable need for numbering resources and it has exhausted all other available remedies. The Commission finds that CBT has demonstrated a verifiable need for additional

³ In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

⁴ According to the Worksheet, the MTE for the Covington rate center was calculated to be 23.92 months.

⁵ See 47 C.F.R. Section 52, et seq.

numbering resources by presenting the request of a specific customer, the St. Elizabeth Medical Center, for 10,000 sequential numbers. CBT advises that it will be unable to provide telecommunications services requested by the customer without additional numbering resources in the Covington rate center. The Commission further finds that CBT has exhausted all available remedies in the Covington rate center to the extent that no combination of existing numbering resources in the Covington rate center can be employed to meet the customer's demand for 10,000 sequential numbers. According to CBT, there are currently no unopened NXX's within the Covington rate center that would allow CBT to accommodate the customer's need.

The Commission finds that the NANPA determination to deny CBT the additional numbering resources described herein should be overturned and that the NANPA should be directed to assign to CBT a new central office code ending in 3, 7, or 1 in the Covington rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving CBT's customer, the St. Elizabeth Medical Center, in the Covington rate center. If the service requested by the St. Elizabeth Medical Center is withdrawn, declined, or terminated, the associated numbering resources approved in this Order should be returned to the NANPA and may not be utilized to serve other customers without first meeting the NANPA numbering resource guidelines.

IT IS THEREFORE ORDERED that:

1. CBT's Petition regarding the NANPA's denial of its application for assignment of additional numbering resources in the 859 Numbering Plan Area is granted.

2. The decision of the NANPA denying CBT's request for assignment of an additional central office code in the Covington rate center is hereby overturned.

3. The NANPA shall assign CBT an available central office code (NXX) that ends in 3, 7, or 1 for the Covington rate center.

4. The numbering resources considered in this Order are to be assigned for the sole use of serving CBT's customer, St. Elizabeth Medical Center, in the Covington rate center. If the service requested by St. Elizabeth Medical Center is withdrawn, declined, or terminated, the associated numbering resources approved in this Order shall be returned to the NANPA.

5. A copy of this Order is being forwarded to the appropriate contact at the NANPA.

Done at Frankfort, Kentucky, this 2nd day of February, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:


Executive Director